

Notice of Allowability

Application No.

09/990,421

Examiner

Jon D Epperson

Applicant(s)

ERLANSON ET AL.

Art Unit

1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/22/2004.
2. ☒ The allowed claim(s) is/are 20-25, 33-35, 39-43, 50-59, 64, 65 and 67 (renumbered 1-27).
3. ☒ The drawings filed on 21 November 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/22/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other


ANDREW WANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

DETAILED ACTION

Status of the Application

1. Receipt is acknowledged of a response to a restriction requirement, which was dated on July 3, 2002 (Paper No. 11).

Status of the Claims

2. Claims 1-74 were pending. Applicants 1-19, 26-32, 36-38, 44-49, 60-63, 66, 68-74 have been canceled. In addition, claims 20, 33-35, 39-43, 50, 52, 54, 55 and 56 have been amended. No claims were added. Therefore, claims 20-25, 33-35, 39-43, 50-59, 64, 65 and 67 are currently pending.

Withdrawn rejections and/or Objections

3. All outstanding objections and/or rejections are withdrawn in view of Applicants' amendments and/or arguments

Reasons for Allowance

4. The claims are allowed for the reasons that the prior art of record does not teach or fairly suggest the use of screening a library against the claimed "TBM-SME" complex to find a "second ligand" to the TBM. The closest prior art of record is a combination of the Erlanson et al. and Hajduk et al. references, which teach screening ligands against the TBM separately and

Art Unit: 1639

then subsequently joining said ligands with a linker. The combined teachings of Erlanson et al. and Hajduk et al., however, do not teach the use of the "TBM-SME" in the screening process itself. In addition, Kim et al. do not teach or suggest the use of a "TBM-SME" in the screening process. Applicants' current amendments and/or arguments also overcome the problems regarding definiteness of the claim language (e.g., see 10/22/04 Response, pages 8-10). The Examiner agrees with Applicants' arguments in their entirety including their assessment of the term "near" finding the specification support cited by Applicants persuasive. Finally, the Examiner also agrees to withdraw the outstanding "provisional" double patenting rejections as these are the only rejections standing in accordance with MPEP § 804 I.B. as suggested by Applicants.

Salutation


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon D Epperson whose telephone number is (571) 272-0808. The examiner can normally be reached Monday-Friday from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jon D. Epperson, Ph.D.
January 24, 2005



ANDREW WANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600